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Atty Dkt No. 0800-0009.05
PATENT

REQUEST FOR FILING CONTINUATION/DIVISIONAL APPLICATION

10/4/01
JC841 U.S.
Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

JC841 U.S.
09/755734 PTO
01/04/01

"Express Mail" Mailing Label No. EL 668 934 135 US Date of Deposit JANUARY 4, 2001
I hereby certify that this paper or fee is being deposited with the United States Postal Service
"Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above
and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

GAIL WARDWELL

(Typed or Printed Name of Person Mailing Paper or Fee)

Gail Wardwell

(Signature of Person Mailing Paper or Fee)

Sir:

This is a request for filing a X continuation divisional application under 37 C.F.R. 1.53(b)(1), of pending prior application serial no. 09/309,042, filed May 10, 1999 of Gregory M. PODSAKOFF and Gary J. KURTZMAN for METHODS FOR DELIVERING DNA TO MUSCLE CELLS USING RECOMBINANT ADENO-ASSOCIATED VIRUS VECTORS (see amended Title in enclosed Preliminary Amendment).

1. X Enclosed is an application filed under 37 C.F.R. 1.53(b)(1). No new matter has been added.
2. X Applicants claim small entity status.
3. X The filing fee is calculated below (based on enclosed Preliminary Amendment):

A.	Basic Application Fee	\$710
B.	Total Claims 12 - 20 = 0	x \$18 0
C.	Independent Claims 2 - 3 = 0	x \$80 0
D.	If multiple claims present, add	\$270 0
E.	Total Application Fee (Total of A, B, C & D)	= <u>710</u>
F.	If small entity status is claimed, reduce Total Application Fee by 50%	<u>355</u>
G.	Total Fee Due (E - F)	= <u>355</u>

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4. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 181648.

5. A check to cover the \$ 355 application fee is attached.

6. Cancel in this application original claims of the prior application before calculating the filing fee.

7. The inventors of the invention being claimed in this application are: Gregory M. PODSAKOFF and Gary J. KURTZMAN.

8. This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.53(b)(1), the Commissioner is requested to delete the names of the following persons who are not inventors of the invention being claimed in this application: Paul D. KESSLER and Barry J. BYRNE.

9. Amend the specification as follows: On page 1, at line 10, please insert the following:
~~--This application is a continuation of U.S. Patent Application Serial No. 09/309,042, filed May 10, 1999, which is a continuation of U.S. Patent Application Serial No. 09/226,989, filed January 7, 1999, which is a continuation of U.S. Patent Application Serial No. 08/588,355, filed January 18, 1996, now U.S. Patent No. 5,858,351, from which applications priority is claimed pursuant to 35 U.S.C. §120--.~~

10. The prior application is assigned of record to Avigen, Inc.

11. A preliminary amendment is enclosed.

12. Also enclosed: Blanket Petition for Extension of Time and Authorization to Charge or Credit Deposit Account, postcard.

13. The power of attorney in the prior application is to Roberta L. Robins.

- The power appears in the original papers in the prior application.
- Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- Recognize the following individuals as Associate Attorneys: Dahna S. Pasternak, Reg. No. 41,411; Gary R. Fabian, Ph.D., Reg. No. 33,875; Kenneth G. Chahine, Reg. No. 42,398 and M. Christina Thomson, Reg. No. 43,190.

d. Address all future communications to Roberta L. Robins at:

Customer No. 20855
ROBINS & ASSOCIATES
90 Middlefield Road, Suite 200
Menlo Park, CA 94025
phone: (650) 325-7812
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20855

PATENT TRADEMARK OFFICE

09/755734
01/04/01



1/4/01
(date)

Roberta L. Robins

(Attorney of Record)
Roberta L. Robins
Reg. No. 33,208

Address of signator:

inventor(s)
 assignee of complete interest
 attorney or agent of record

filed under § 1.34(a)

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Gail Wardwell

Signature of Person Mailing Paper or Fee

Application for U.S. Letters Patent Entitled

METHODS FOR DELIVERING DNA TO THE BLOODSTREAM USING
RECOMBINANT ADENO-ASSOCIATED VIRUS VECTORS (as amended)

claiming priority to U.S. Patent Application Serial No. 09/309,042, filed May 10, 1999,
which is a continuation of U.S. Patent Application Serial No. 09/226,989,
filed January 7, 1999, which is a continuation of U.S. Patent Application Serial No.
08/588,355, filed January 18, 1996, now U.S. Patent No. 5,858,351

by Inventors:

Gregory M. PODSAKOFF
Gary J. KURTZMAN

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Attorney Docket No. 0800-0009.05

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Date of Deposit JANUARY 4, 2001.

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Gail Wardwell

Signature of Person Mailing Paper or Fee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

KURTZMAN et al.

Serial No.: CON of 09/309,042

Group Art Unit: To be Assigned

Filing Date: on even date herewith

Examiner: To be Assigned

Title: **METHODS FOR DELIVERING DNA TO THE BLOODSTREAM
USING RECOMBINANT ADENO-ASSOCIATED VIRUS VECTORS
(as amended)**

**BLANKET PETITION FOR EXTENSION OF TIME AND
AUTHORIZATION TO CHARGE OR CREDIT DEPOSIT ACCOUNT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

If a paper is untimely filed in this application or any file wrapper continuation application derived therefrom by applicant(s) or her/his/their representative, the Commissioner is hereby petitioned under 37 C.F.R. § 1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 C.F.R. § 1.17(a)-(d) to Deposit Account No. 18-1648. This, however, is not authorization to pay the issue fee.

If a paper is concurrently or subsequently filed in this application or any file wrapper continuation application derived therefrom by applicant(s) or her/his/their representative and a fee under 37 C.F.R. §§ 1.16-1.17 is required to effect any amendment, petition or other action requested in said paper, the Commissioner is hereby requested to charge any deficiency in said fee, or credit any overpayment of said fee, to Deposit Account No. 18-1648. This, however, is not authorization to pay the issue fee.

Respectfully submitted,

Date: 1/4/01

By: Roberta L. Robins
Roberta L. Robins
Registration No. 33,208

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